

Title of Regulation:

Regulation No.: R43-220

GIFTED AND TALENTED

Effective Date: 06/25/04

Constitutional and Statutory Provisions:

S.C. Code Ann. § 59-5-60 (2004)

General powers of [State] Board.

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State Board Regulation:

R 43-220. Gifted and Talented

Purpose: The State Board of Education recognizes the need to provide gifted education services to identified students in grades one through twelve. These regulations provide the framework for provision of these services. All regulations must be followed in order to qualify for state funding.

In order to comply with the South Carolina Education Improvement Act of 1984, school districts must provide programs for all gifted and talented students at the elementary and secondary levels. These programs shall develop the unique talents of students.

I. Definitions

A. Population

1. Gifted and talented students are those who are identified in grades one through twelve as demonstrating high performance ability or potential in academic and/or artistic areas and therefore require an educational program beyond that normally provided by the general school program in order to achieve their potential.
2. Gifted and talented abilities for these regulations include
 - (a) Academic and Intellectual Ability: Students who have the academic and/or intellectual potential to function at a high level in one or more academic areas.

- (b) Visual and Performing Arts: Students who have the artistic potential to function at a high performance level in one or more of the fine arts.

B. Terms

1. Demonstrating: making evident or establishing by reasoning; proving
2. Academic areas: any or all of the academic disciplines and performance skills that cross the disciplines to include research, technology, and reasoning
3. High level: functional or performance level set by the identification dimensions in these regulations
4. Confluent: blending and moving forward together
5. Multi-: more than one
6. Multiage classroom: regular classroom where gifted and talented students are served through grade placement above chronological grade placement
7. Screening: considering all students on consistent measures (Screening involves census testing to guarantee each student consideration in the identification process.)
8. Referral: considering one or more students based on recommendation or nomination (Each student referred must be assessed and reassessed as indicated in these regulations.)
9. Assessment: evaluation and re-evaluation of student aptitudes, attributes, and behaviors according to specified dimensions
10. Placement: evaluation of student profiles for service indications
11. Special school: full-time gifted and talented magnet school: full-time gifted and talented school-within-a-school
12. Special class: self-contained gifted and talented class organized around one or more disciplines
13. Resource room/pull-out: self-contained gifted and talented class that meets away from the regular classroom to provide the services established in these regulations

14. Regular classroom cluster/itinerant teacher: an intra-classroom model in which students in grades one through two receive services from the trained classroom teacher or an itinerant teacher
15. Academic discipline/disciplines: English language arts, mathematics, science, social studies, and foreign language

II. Academics

A. Program

1. Districts will submit a local gifted and talented program plan every three years and delineate progress on this plan annually. The State Department of Education will review the plan annually and provide written feedback to the districts. The State Department of Education shall establish a format and template for the plan. The following academic program requirements will be addressed in a district plan:
 - (a) curriculum, instruction, and assessment that maximize the potential of the identified students;
 - (b) support services that facilitate student learning (e.g., technology, guidance, academic support, staff development, academic competition);
 - (c) program models that facilitate the delivery of curriculum and instruction;
 - (d) a teacher-pupil ratio that fosters positive results; and
 - (e) appropriate and sufficient time in instruction to assure that the goals and objectives of the program are met.
2. To provide curriculum, instruction, and assessment that maximize the potential of the identified students, educational programs for academically gifted and talented students must reflect the following characteristics:
 - (a) content, process, and product standards that exceed the state-adopted standards for all students;
 - (b) goals and indicators that require students to demonstrate depth and complexity of knowledge and skills;
 - (c) instructional strategies that accommodate the unique needs of gifted learners;

- (d) a confluent approach that incorporates acceleration and enrichment;
 - (e) opportunities for worldwide communication/research; and
 - (f) evaluation of student performance and program effectiveness.
3. Districts should reference the *South Carolina Gifted and Talented Best Practices Manual* for program models and curriculum requirements.
4. The models and teacher-pupil ratios that are approved for program service at respective grade levels are

<u>Grades</u>	<u>Approved Program Model Choices</u>
1–2	Regular Classroom/Itinerant Teacher (1:10) Multiage Classroom (NA) Resource Room/Pull-out (1:15)
3–5	Special School (1:25) Special Class (1:25) Resource Room/Pull-out (1:20)
6–8	Special School (1:25) Special Class (1:25) Resource Room/Pull-out (1:20)
9–12	Special School (1:25) Special Class (1:25)

5. Extension Models, while encouraged to supplement service, may not be substituted for one of the Approved Program Model Choices. They include but are not limited to

<u>Grades</u>	<u>Extension Model</u>
1–2	After School/Summer Services Individual Educational Plan Grade/Subject Acceleration Independent Study Special Training/Services for Parents
3–5	Regular Classroom Cluster/Itinerant Model After School/Summer Services Independent Study

6–12 Mentorship/Internship
 Regular Classroom Cluster/Itinerant Model
 After School/Summer Services
 Independent Study
 Seminars
 Exploratory Courses

6. A school or district may elect to serve students in any of the above Approved Program Models through a consortium agreement with other school districts. Other models developed by the school district must receive written approval annually from the State Department of Education.
7. An appropriate teacher-pupil ratio fosters positive results. The teacher-pupil ratios are listed beside the models in the chart above. Teachers shall be provided two hundred and fifty minutes per week or the equivalent for planning.
8. The program must provide appropriate and sufficient time to assure that the goals and objectives of the program are met. The following time requirements must be met by resource room/pull-out and regular classroom/itinerant teacher program models at respective grade levels to assure funding:

<u>Grades</u>	<u>Minimum Minutes Per Year</u>
1–3	4500
4–8	7200

The special school model requires full-time (academic) service. The special class model time requirements are 8100 minutes per year.

B. Identification of Population to be Served

1. The purposes of identification are (1) to find students who display characteristics of the gifted and talented; (2) to assess the aptitudes, attributes, and behaviors of each student; and (3) to evaluate each student for the purposes of placement. Student aptitudes, attributes, and behaviors will be identified, assessed, and reviewed through a multistep, multimodal, and multidimensional identification system.

2. Gifted and talented students may be found within any racial, ethnic, or socioeconomic group; within any nationality; within both genders; and within populations with physical disabilities, learning disabilities, or behavioral problems.
3. Identification is a multistep process, which consists of screening and referral, assessment of eligibility, and placement.
4. Districts should reference the *South Carolina Gifted and Talented Best Practices Manual* for the identification process.
5. The following students are deemed eligible for services with the approval of the District Evaluation Placement Team:
 - (a) students who were served and qualified by state regulations prior to 1999,
 - (b) students who meet the criteria in two out of three dimensions that follow,
 - (c) students who meet the 96th national age percentile composite score or higher (placement grades three through twelve) or the 98th national age percentile composite score or higher (placement grades one through two) on an individual or group aptitude test, and
 - (d) students identified in one South Carolina school district are eligible for services in any South Carolina school district.
6. Screening/Referral Procedures
 - (a) Districts shall screen all students by reviewing census aptitude and achievement test scores. Referrals from administrators, parents, teachers, and students must be accepted. Initial screening does not in itself guarantee placement.
 - (b) Districts shall include the following procedures in the screening/referral process:
 - (1) provide all parents/guardians with effective, written notice of the gifted education program, screening/referral procedures, and eligibility requirements;
 - (2) implement processes for identifying the academically gifted from all student populations;

- (3) provide training/guidance regarding the characteristics of academic giftedness for teachers and other district staff involved in the identification process;
 - (4) use screening criteria and procedures that are directly related to the purpose of the gifted program (i.e., identifying all students with demonstrated potential for high academic performance as well as those who have demonstrated high achievement).
- (c) All students with the potential for eligibility after screening and all students with referrals must continue into the assessment for eligibility phase of the identification process. The State Department of Education will establish procedures for screening and referral criteria with options for districts. Districts must use one of these options or obtain State Department of Education approval of an alternative proposal.

7. Assessment for Eligibility

- (a) Districts must ensure that all assessment instruments/measures are reviewed for bias and accurately assess the abilities/skills/potential intended to be measured; these abilities/skills/potentials are consistent with the definition of population set forth in this regulation; and, to the extent that subjective assessment criteria are used, those individuals conducting the assessment are trained to ensure proper evaluation.
- (b) No private testing will be accepted for eligibility, but those results may be considered for referral purposes.
- (c) The following criteria organized by dimensions shall be used in the screening/referral/assessment processes of identification:
 - (1) Dimension A: Reasoning Abilities

These students demonstrate high aptitude (93rd national age percentile or above) in one or more of these areas: verbal/linguistic, quantitative/ mathematical, nonverbal, and/or a composite of the three.

 - a) Individual aptitude test (full-scale or component score)
 - b) Group aptitude test (composite, verbal, or nonverbal scores)

(2) Dimension B: High Achievement in Reading and/or Mathematical Areas

These students demonstrate high achievement (94th national percentile and above or advanced status) in reading and/or mathematical areas as measured by nationally normed or South Carolina statewide assessment instruments. (See *South Carolina Gifted and Talented Best Practices Manual* for approved subtest areas.)

(3) Dimension C: Intellectual/Academic Performance

These students demonstrate a high degree of interest in and commitment to academic and/or intellectual pursuits or demonstrate intellectual characteristics such as curiosity/inquiry, reflection, persistence/tenacity in the face of challenge and creative productive thinking. Characteristics for this dimension are demonstrated through

a) Evidence of commitment in academic disciplines through grades for placement in grades seven through twelve; the standard is 3.75 points on a 4.0 scale (See the glossary of terms for a listing of the academic disciplines.);

or

b) Assessments of performance on Project STAR for placement in Grades three through six. . Instruments for these assessments will be maintained secure under S.C. Code Ann. §59-1-445 (1990), Section 59-1-445, Violations of mandatory test security; penalties; investigations. The performance standard for the primary level is sixteen on either the verbal or nonverbal assessments for placement into grade three and eighteen on either the verbal or nonverbal assessment for placement into grade four. The performance standard for the intermediate level is sixteen on the verbal or twenty-two on the nonverbal for placement into grade five and eighteen on the verbal or twenty-five on the nonverbal for placement into grade six. The qualifying standards for new forms of Project STAR will be equivalent to those of the base year.

- (4) Districts will follow steps established by the Department of Education to guarantee no single criterion eliminates students from gifted program participation.

8. Placement

- (a) The evaluation step in the identification process of gifted and talented students shall be the responsibility of an evaluation/placement team within the school or district. The team shall be composed of at least a teacher, an administrator, and a psychologist (if employed by the district) and may also include a guidance counselor and/or a community-related person whose training and expertise qualifies him or her to appraise the special competencies of students.
- (b) The evaluation/placement team shall have the responsibility to interpret and evaluate student data in such a way that will insure appropriate placement. The evaluation/placement team may require additional assessment before determining student placement. Placement may involve a trial period for at least one semester but not more than one year. Criteria for trial placement shall be established in guidelines established by the State Department of Education. Students whose progress within the gifted and talented program at the end of trial placement is not deemed adequate by the evaluation/placement team may be withdrawn from the program.
- (c) The evaluation/placement team will be responsible for developing appropriate written procedures for removing a student from the gifted program. The criteria for these procedures according to the program model shall be established by the State Department of Education by January 1, 2005. Removal from the program must be preceded by appropriate counseling with the student and conferences with the student's parents and teachers. Records of any assessment and evaluative measures and other student information must be maintained in a confidential manner.
- (d) Students identified and served according to prior eligibility criteria will continue to be eligible for placement and funding provided their program service meets the requirements herein. Any student entering the program once these regulation amendments are effective shall be considered for placement based on the eligibility criteria herein.

C. Staff

1. Teacher Qualifications

- (a) Teachers must hold valid teaching certificates appropriate to the grade level(s) or subject area(s) included in the program.
- (b) Each teacher of a state-funded gifted and talented course or class shall have completed a training program approved by the State Department of Education.
 - (1) Exception 1: Newly assigned teachers will have one year to meet gifted and talented training requirements.
 - (2) Exception 2: Teachers who have a master's degree or higher in gifted education may have this requirement waived upon approval of credentials by the State Department of Education.

2. Professional Development

Appropriate, ongoing staff development activities in gifted education shall be provided annually by the district.

D. Reporting

- 1. Districts will report to the State Department of Education information, which includes, but is not limited to, student eligibility, screening, and referrals. Districts will annually collect and maintain, district statistical data on (1) the number, by race, of students referred for evaluation for eligibility for gifted education services; (2) the number, by race, of students determined eligible for services; (3) the number, by race, of students actually served during the school year; and (4) the number, by school, by grade, by race, by model, of students actually served during the school year.
- 2. Districts shall review annually the performance of gifted students on PACT, AP exams, IB exams, SAT, ACT, and similar college entrance tests. Districts shall summarize the performance of gifted students on these assessments and report trend data to the State Department of Education annually. These data will be disaggregated demographically and reported annually to the General Assembly.
- 3. Official enrollment reports to be used for funding purposes shall be submitted at the end of the 135-day enrollment period. The enrollment reports shall be submitted on forms to be furnished by the State Department of Education.

E. Funding

1. Allocation of Funds

The State Department of Education will annually calculate each district's allocation based on the number of gifted and talented students projected to be served in each district as it relates to the total of all such students in the state. Unobligated funds, which become available during the fiscal year (July 1–June 30) will be redistributed to serve additional eligible students.

2. Distribution of Funds

School districts will be authorized to expend allocated funds on students meeting the eligibility criteria of prior regulations and students meeting the eligibility criteria and being served in approved programs. Distribution of funds will be made periodically with a final adjustment occurring at the end of the 135-day attendance reporting period for regular academic programs.

3. Base Allocation for School Districts with Small Enrollments

School districts identifying and serving, according to the State Board of Education Regulations, forty students or less shall receive a minimum funding of \$15,000 annually for academic programs.

F. Expenditures and Accounting Procedures

1. State funds provided for gifted and talented programs must impact directly on students served in accordance with provisions of the State Board of Education Regulations. Accounting procedures shall conform to those outlined in the Financial Accounting Handbook issued by the State Department of Education. The entire allocation must be used directly for gifted and talented related expenditures.
2. A supplemental schedule shall be required in the school district's annual audit under the single audit concept.

III. Artistic

A. Program

1. Districts shall develop a written plan to include the following artistic requirements:
 - (a) curriculum, instruction, and assessment that maximize the potential of the identified students;

- (b) support services that facilitate student learning (e.g., technology, guidance, artistic support, staff development, artistic competition);
 - (c) program models that facilitate the delivery of instruction;
 - (d) a teacher-pupil ratio that fosters positive results; and
 - (e) appropriate and sufficient time in instruction to assure that the goals and objectives of the program are met.
2. To provide curriculum, instruction, and assessment that maximize the potential of the identified students, educational programs for the artistic gifted and talented students must reflect the following characteristics:
- (a) content, process, and product standards that exceed the state-adopted arts standards for all students;
 - (b) goals and indicators that require students to demonstrate depth and complexity of knowledge and skills;
 - (c) instructional strategies that accommodate the unique needs of gifted learners;
 - (d) opportunities for worldwide communication/research; and
 - (e) evaluation of student performance and program effectiveness.
3. Program Models
- (a) Visual and performing arts programs may be offered during the regular school year or during the summer for grades one through twelve. Visual and performing arts programs shall focus on creative expression in one or more of the following areas: dance, drama, music, and/or visual arts. A diversified arts program encompassing the disciplines of dance, drama, music, and visual arts may be offered in grades one through six. (A diversified program is one in which students take a variety of disciplines, typically in a summer program.) The program models are in-school programs, after-school programs, summer programs, Saturday programs, and consortium programs. Combinations of the approved program models are also acceptable.
 - (b) A school district may elect to serve students in any of the models through consortium agreement with other school districts.

4. Length of Time in Models

Academic School Year

(In-school, after-school, and Saturday Programs)

<u>Grades</u>	<u>Minimum Minutes Per Year</u>
1–3	4500
4–8	7200

9–12

8100

Summer Programs (30 days in length)

Saturday Programs (minimum 30 Saturdays)

<u>Grades</u>	<u>Minimum Hours Per Day</u>
1–3	2 ½ hours
4–8	4 hours
9–12	5 hours

5. Teacher-Pupil Ratios: an appropriate teacher-pupil ratio fosters positive results. Districts should reference the *South Carolina Gifted and Talented Best Practices Manual* for further information.

B. Identification of Population to be Served

1. The purposes of identification are (1) to find students who display talent beyond that of their peers in one or more artistic areas; (2) to assess the aptitudes, attributes, and behaviors of each student; and (3) to evaluate each student for the purposes of referral.
2. Gifted and talented students may be found within any racial, ethnic, or socioeconomic group; within any nationality; within both genders; and within populations with physical disabilities, learning disabilities, or behavioral problems.

C. Identification/Selection is a four-step process, which consists of referral, recommendation, demonstration, and placement.

1. Referral Procedures

- (a) Students may be referred by a teacher, administrator, parent, self, or a peer using a State Department of Education–approved instrument appropriate to the visual and performing arts area, to include creativity and expressive qualities. The referral should be used to identify students who have an aptitude for the arts and may benefit from intense exploration and in-depth study in one or more of the arts. The initial referral does not itself guarantee placement.
- (b) Districts shall include the following procedures in the referral process:
 - (1) provide all parents/guardians with effective, written notice of the gifted education program, referral procedures, and eligibility requirements;
 - (2) implement processes for identifying artistically gifted from all student populations;

- (3) provide training/guidance regarding characteristics of the artistically gifted for teachers and other district staff involved in the identification process;
- (4) use referral criteria and procedures that are directly related to the purpose of the artistically gifted program; and
- (5) reference the *South Carolina Gifted and Talented Best Practices Manual* for appropriate forms for the referral process.

(c) Assessment for Eligibility

Districts shall establish a review team comprised of at least three individuals to include an arts teacher, an administrator, and a community person with experience in the arts. The team shall ensure that all assessment instruments/measures are reviewed for bias and accurately assess the abilities/skills/potentials intended to be measured and, to the extent that subjective assessment criteria are used, that those individuals conducting the assessment are trained to ensure proper evaluation.

2. Recommendation Form

- (a) A recommendation form, which may be combined with the referral form, consisting of a checklist to assist with identifying the gifted artistic student will be completed by the dance teacher, the physical education teacher, the classroom teacher, the drama teacher (or the classroom teacher in the elementary school or middle school if the middle school does not have a drama teacher), the music teacher, or the visual arts teacher.
- (b) A teacher should base responses to the checklist on student behaviors that were observed throughout the school year.
- (c) Districts should refer to the *South Carolina Gifted and Talented Best Practices Manual* for recommendation forms and checklists.

3. Demonstration/Audition

- (a) The demonstration/audition should enable the evaluation-placement team to determine a student's artistic potential to function at a high level in one or more of the arts.
- (b) The demonstration/audition must also include either a student interview or questionnaire to assist the evaluation/placement team in determining suitability for placement.

- (c) Students will be rank ordered using results from the demonstration/audition and the student interview or questionnaire.
- (d) Parents of referred students may decide not to proceed with the demonstration/audition.

4. Placement

- (a) The placement of gifted and talented students should be the responsibility of the evaluation/placement team comprised of one member of the arts faculty or district arts staff, an administrator, and an additional member from the community who has expertise in the arts area for which the student has been referred.
- (b) The evaluation/placement team shall interpret and evaluate student data in such a way that will insure appropriate placement. The team may require additional assessment before determining student placement. Placement may involve a trial period for at least one semester but not more than one year. Students whose progress within the program are not deemed adequate by the team may be withdrawn from the program.
- (c) The team will be responsible for developing appropriate written procedures for removing a student from the gifted program. Removal from the program must be preceded by appropriate counseling with the student and conferences with the student's parents and teachers. Records of any assessment and evaluative measures and other student information must be maintained in a confidential manner.

D. Staff

- 1. Teacher Qualifications for a Visual and Performing Arts Program: Teachers must hold a valid teaching certificate appropriate to the grade level(s) or subject area(s) included in the program. Professionals in the visual and performing arts may teach in the gifted and talented program if serving in the program under the supervision of the appropriate district personnel.
- 2. Professional Development: Appropriate, ongoing staff development activities related to serving gifted and talented students shall be provided by the district annually.

E. Reporting

1. Districts will report to the State Department of Education information that includes, but is not limited to, student eligibility and referrals. Districts will annually collect and maintain district statistical data on (1) the number, by race, of students referred for evaluation; (2) the number, by race, of students determined eligible for services; and (3) the number, by race, by school, by grade, by arts area, of students actually served during the school year.
2. Official enrollment reports shall be submitted annually on appropriate State Department of Education forms.
3. Districts will submit a local gifted and talented program plan every three years and delineate progress on these plans annually. The State Department of Education will review the plans annually and provide written feedback to the districts. The State Department of Education will provide a format and template for the plans.

F. Funding

Distribution of Funds: School districts will be authorized to expend allocated funds on students meeting eligibility criteria and being served in approved programs. Programs initiated prior to June 30 will be funded from that fiscal year's allocation.

G. Expenditures and Accounting Procedures

1. State funds provided for gifted and talented programs must impact directly on students served in accordance with provisions of the State Board of Education Regulations. Accounting procedures shall conform to those outlined in the Financial Accounting Handbook issued by the State Department of Education. The entire allocation must be used directly for gifted and talented related expenditures.
2. A supplemental schedule shall be required in the school district's annual audit under the single audit concept.